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FISCAL IMPACT REPORT

SPONSOR Altamirano DATE TYPED 2/1/04 HB _____

SHORT TITLE Guadalupe County Prison Felony Case Defense SB 234

ANALYST Bransford

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY04	FY05	FY04	FY05		
\$695.0	\$200.0		See Narrative	Non-Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to SB 275, SB 233 and HB 255

Relates to Appropriation in the General Appropriation Act

SOURCES OF INFORMATION

LFC Files

Responses Received From

Public Defender Department (PDD)

Attorney General (AG)

Administrative Office of the Courts (AOC)

4th Judicial District Attorney (DA)

SUMMARY

Synopsis of Bill

Senate Bill 234 appropriates \$695 thousand from the general fund to the public defender department for the purpose of defending three capital felony cases that arose from the riot at the Guadalupe county correction facility. The bill contains an emergency clause.

Significant Issues

Contract attorneys representing the three defendants have a motion pending before recently retired District Judge Frank Allen requesting dismissal from the case because they are not being compensated enough to provide adequate representation. Contract attorneys for the PDD are paid on flat fee schedule. However, both the New Mexico State Bar and the American Bar Association recommend that attorneys representing capital defendants be compensated on an hourly

basis. The cases are expected to proceed to trial within the year. To date, a total of \$4.2 million has been spent on the prosecution and defense of these cases (See Attachment).

FISCAL IMPLICATIONS

The appropriations of \$695 thousand and \$200 thousand contained in this bill are non-recurring expenses to the general fund. Any unexpended or unencumbered balance remaining at the end of fiscal years 2004 and 2005 shall not revert to the general fund.

ADMINISTRATIVE IMPLICATIONS

The district attorney and attorney general's special prosecution division would also like consideration for additional resources to support their efforts.

RELATIONSHIP

This bill relates to SB 275 and HB 255 both of which would create a new fund, the Capital Felony Representation Fund, in the public defender department. It also relates to SB 233 which requests an appropriation of \$578 thousand to the Fourth Judicial District Attorney and \$250 thousand to the Attorney General for prosecution of these cases.

VB/dm:yr

Attachment

Santa Rosa Prison Riot Death Penalty Cases
Summary of Special/Supplemental Appropriations

	General Fund	Fund Balance	Board of Finance	Agency Total	Description
Attorney General					
	\$115.0				Laws 2000 SS, Chap. 5, Sec. 6, Item 5
	\$250.0				Laws 2001, Chap. 64, Sec. 6, Item 9
	\$250.0				Laws 2002 ES, Chap. 4, Sec. 5, Item 7
				\$615.0	AG Total
District Attorney					
			\$60.0		Loan granted 12/15/99, pay off due 4/1/00, converted to a grant 5/9/00
	\$350.0				Laws 2000 SS, Chap. 5, Sec. 6, Item 4
	\$572.9				Laws 2001, Chap. 64, Sec 6, Item 5, and extended by Laws 2002 ES, Chap. 4, Sec. 5, Item 6
	\$450.0				Laws 2002 ES, Chap 4, Sec. 5, Item 6, and extended by Laws 2003, Chap. 76, Sec. 5, Item 4
	\$375.0				Laws 2003, Chap 83, Sec. 2 Item F
				\$1,807.9	DA Total
Public Defender					
	\$380.0				Laws 2000 SS, Chap. 5, Sec. 6, Item 20
	\$100.0				Laws 2000 SS, Chap. 5, Sec. 7, Item 12
	\$964.6				Laws 2001, Chap. 64, Sec. 6, Item 29 and extended by Laws 2002, Chap. 4, Sec. 5, Item 20, and Laws 2003, Chap. 76, Sec. 5, Item 10
		\$375.0			Laws 2003, Chap. 83, Sec. 4, Item C
				\$1,819.6	PDD Total
Totals	\$3,807.5	\$375.0	\$60.0	\$4,242.5	Grand Total